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Judgment for plaintiffs, and defendant brings error. Reversed, and judgment rendered.

Peatross & Harris, for plaintiff in error.

Geo. T. Rison and Jas. L. Tredway, for defendants in error.

RICHARDSON *v.* J. S. HOSKINS LUMBER CO.

Jan. 12, 1911.

[69 S. E. 935.]

1. Attachment (§ 322*)—Levy—Return—Requisites.—A return on an attachment against real estate, which recites that the attachment was executed by a levy on real estate of defendant located in a designated magisterial district of a designated county, being the same land conveyed to defendant by a special commissioner of the county circuit court by deed recorded in a certain deed book on pages specified, identifies the land with sufficient certainty for purposes of sale and conveyance without the aid of extrinsic evidence, and is a substantial compliance with Code, 1904, § 2967, prescribing that the return shall describe the estate of defendant levied on.

[Ed. Note.—For other cases, see Attachment, Cent. Dig. § 1157; Dec. Dig. § 322.*]

2. Evidence (§ 416*)—Parol Evidence—Description of Premises.—Where a map, plan, survey, or deed is referred to in an instrument for the description of land, it is a part of the instrument itself, and is not extrinsic evidence.

[Ed. Note.—For other cases, see Evidence, Cent. Dig. § 1903; Dec. Dig. § 416.*]

Error to Circuit Court, Mathews County.

Action by one Richardson against the J. S. Hoskins Lumber Company. There was a judgment quashing an attachment against real estate, and plaintiff brings error. Reversed.

J. N. Stubbs and J. R. Saunders, for plaintiff in error.

J. Boyd Sears and Garnett & Pollard, for defendant in error.

DARLING'S EX'R *v.* CUMMING et al.

Jan. 12, 1911.

[69 S. E. 940.]

Trusts (§ 316*)—Accounting and Settlement—Commission and Allowances.—An executor was made a trustee under a residuary clause

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.